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February 1, 2006

The Honorable Kent A. Jordan
United States District Court
844 N. King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: Wayne Van Scy v. Van Scy Diamond Mine of Delaware, Inc. et al.,
C.A. No. 05-108-KAJ

Dear Judge Jordan:

We apologize for contacting the Court again, but after review of the transcript from last week's oral argument, we thought the following may be helpful to the Court.

In response to the Court's concern that Plaintiff had the right to terminate the license at any time, we note that Plaintiff in November 2004 terminated Defendants' alleged license (alleged oral permission) in response to Defendants' breach of the alleged license by offering jewelry for sale via the internet in Plaintiff's trading area, which Plaintiff discovered in July of 2004. Further, independent of any alleged license, Plaintiff could not bring suit for trademark infringement until he discovered Defendants' website in July 2004.

Please see page 18 of Plaintiff's Answering Brief to Defendants' Motion for Summary Judgment (D.I. 134); pages 4-6, 13-15, 20-21 and particularly the top of page 21 of Plaintiff's Opening Brief for Summary Judgment on Defendants' Defenses of Laches, Acquiescence and Estoppel (D.I. 113) and pages 8, 10-12 and 18-19 of Plaintiff's Reply Brief (D.I. 146).

Respectfully submitted,

/s/ John G. Day

John G. Day (I.D. 2403)

JGD/ nml
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